

Grey

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

ALONZO AUSTIN, Executor, for
RUTH H. LEWIS, Estate
Plaintiff(s)

VS.

MODERN WOODMEN OF AMERICA
et al,

Defendant(s)

CIVIL ACTION NO.

3:07-CV-138-MHT-WC

DECLAR. P. HACKETT
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

2007 APR 10 P 12:38

RECEIVED

Motion for Summary Judgment by Plaintiff(s) in
response to, Motion to DISMISS by Defendant

Plaintiff(s) pursuant to RULE 56 OF the federal Rules of Civil Procedure, Moves the court to enter Summary Judgment for the Plaintiff(s) on the grounds that there is no genuine issue as to any material fact, and the Plaintiff(s) is entitled to judgment as a matter of Law.

In support of this motion Plaintiff(s) refers to the record in this action, including the Complaint The answer to it and Plaintiff(s) attached Affidavit and Exhibits "A".

By ^{Alonzo Austin, pro se}
Alonzo Austin, pro se
ALONZO AUSTIN

Address: 1321 Oliver-Carlis Rd., Tuskegee, AL 36083, Ph#(334) 721-5474

RECEIVED

2007 APR 10 P 12:38

IN THE UNITED STATES DISTRICT COURT For
THE MIDDLE DISTRICT OF ALABAMA

DEBRA P. HACKETT, CLK
DISTRICT COURT
MIDDLE DISTRICT ALA.

ALONZO AUSTIN, Executor, for }
RUTH. H. LEWIS, Estate }
Plaintiff(s) }

vs.

MODERN WOODMEN OF AMERICA }
et al, }

CIVIL ACTION NO.

3:07-CV-138-MHT-WC

Defendant(s)

Affidavit in support of Motion for Summary Judgement

STATE OF ALABAMA } ss.

COUNTY OF MACON }

ALONZO AUSTIN who, being first duly sworn,
deposes and says:

1. I am ALONZO AUSTIN, and have personal
knowledge of the facts set forth.

This Affidavit is submitted in support of the Plaintiff(s)
Motion for Summary Judgement for the purpose of showing
that there is in this action no genuine issue as to
any material fact, and that the Plaintiff(s) is entitled
to judgement as a matter of Law. As issue is
Constitutimal in Nature..

2 of 5

2. Plaintiff(s) spoke to "The Defendant
"CITY ATTORNEY FRED GRAY SR.", a few
day after THE DEFENDANT'S, THE STATE
BOARD OF LICENSURE, Representative Mr.
Guy NIVENS, stated to Plaintiff(s) that
after speaking to ATTORNEY GRAY, he ended
the investigation with respect to MS. LEWIS
the Principal, being held against her will
in Mason Manor, ~~Assisted~~ Living Facility
because of ATTORNEY FRED GRAY SR. Claim
that Plaintiff(s), had no standing to ask for
and investigation or remove Principal LEWIS,
from the Facility in question because of the
(2) Court orders (one) on June 6, 1993, voiding
Durable General Power of Attorney Given Plaintiff(s)
by RUTH H. LEWIS. and (Secondly) The Divestiture
of the Vehicle that Plaintiff(s) had by CIRCUIT
COURT JUDGE: Howard F. BRYAN, on March 22, 1993.
3. During Plaintiff(s) conversation with Defendant
FRED GRAY SR. Near the end of May 1994
Mr. GRAY warned Plaintiff(s) that the
Montgomery POLICE Don't PLAY and
that Plaintiff(s) better be Careful Down
there in Montgomery "the Cradle of
the Old Confederacy" Those are VALID
Court ORDERS so you better stay away from Mason Manor.

3 of 5

4, Plaintiff(s) promised ATTORNEY FRED GRAY SR. that he would abide by the police Demands but Plaintiff(s) stated to CITY OF TUSKEGEE ATTORNEY FRED GRAY SR. that he did not believe the Montgomery police would try and prevent me from removing Principal Lewis once I showed them my power.

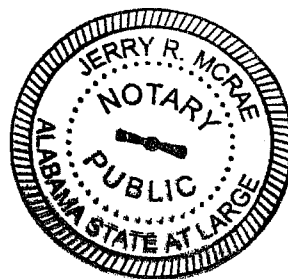
5, Bay was Plaintiff(s) wrong because on June 10, 1995 when Plaintiffs went to remove Principal LEWIS from Mason Manor after giving NOTICE The Montgomery City POLICE was waiting and they were not playing they separated Principal Lewis and Plaintiff's Austin without hesitation in a vicious and EVIL way without any regard for our Constitutional Rights.

6, Plaintiff(s) later spoke with City Attorney FRED GRAY SR, OF TUSKEGEE, ALABAMA on February 10, 1995 Several months after Principal Lewis Death Regarding A \$227.60 Ambulance bill owed by RUTH. H. LEWIS, to the City of Tuskegee See: Attached as Exhibit A., and Plaintiff(s) stated to Defendant FRED GRAY SR. Finally you'll recognize me as her Personal Representative, now that she OWES you'll money so it's me now and not Juanita R. Upshaw, Gray, replied No Comment!

4055

In conclusion, ONCE Principal was
Dead and buried and ALL property,
both tangible and intangible were split
among the State actors and Civilians
amounting to more than \$300,000 ~~00~~
and to show their appreciation to the
Plaintiffs for his efforts in the above
matter they would finally accept same
as the executor, providing Plaintiff(s)
would pay this Ambulance Bill of \$227⁰⁰
(THEY ARE ALL HEART, AREN'T THEY???)
Alonzo Quoten, Prose
by Alonzo Quoten, Prose

Jerry R. McRae, Notary
Com. Expires 2-28-09



LOUIS MAXWELL
PRESIDENT, CITY COUNCIL
HAROLD WASHINGTON
PRESIDENT PROTEM, CITY COUNCIL
COUNCIL MEMBERS
FRANK H. BENTLEY
ROBERT L. IVEY, JR.
MAE DORIS WILLIAMS

CITY OF TUSKEGEE



JOHNNY FORD, MAYOR
TUSKEGEE, ALABAMA 36083
TEL - (205)727-2180 FAX (205)7274820

HATTIE P. KING
CITY CLERK-TREASURER
CAL WILSON
EXEC. DIR. HEADSTART
FRED D. GRAY
CITY ATTORNEY
JOHN R. MEADOWS
CHIEF, POLICE DEPT.
LUTHER CURRY
CHIEF, FIRE DEPT.
LINDA C. MARABLE
PURCHASING AGT.
WILLIAM FOSTER
DIR. PUBLIC WORKS
CARL BASCOMB
PERSONNEL DIRECTOR
EDDIE MOORE
DIR. SANITATION DEPT & STREET.
ELEESE DANIEL
DIR. RECREATION
JEANETTE ALEXANDER
DIR. SR. CITIZENS
JEROME MOORE
DIR. CITY SHOP
JAMES C. B. SAMUEL
COMPTROLLER
RONALD D. WILLIAMS
ASST. SUPT. UTILITIES

EXHIBIT A
Date February 7, 1995

Name Mr. Alonza Austin

Address 1321 Oliver Carlis Road

Tuskegee, Alabama 36083

RE: Bill for Ambulance Services

Ms. Ruth Lewis-November 26, 1994

Dear Mr. Austin:

Our records indicate that after insurance, medicare, and/or medicaid payment/s were applied to your account, a balance of \$ 227.60 is still owed:

Amount of Bill	\$ <u>249.00</u>
Less:	
Medicare Payment	<u> </u>
Medicaid Payment	<u> </u>
Insurance Payment	<u>21.40 - Blue Cross</u>
Other	<u> </u>
Balance Owed	\$ <u>227.60</u>

Please pay this amount promptly.

If you have questions or need additional information, please contact Ms. Carolyn Ferguson at (205) 724-2186.

Sincerely,

Hattie King
Hattie King
City Clerk/Treasurer

CERTIFICATE OF SERVICE

I hereby Certify that I have Served
a copy of the foregoing document
upon the following by placing a
Copy of Same in the UNITED STATES
Mails, this 10th day of April 2007
postage prepaid and properly addressed
to:

Melton Espy & Williams, PC
P.O. Drawer 5130
Montgomery, AL 36103-5130

Fred Gray

+

~~W. L. L. L.~~

~~by Alonzo Austin, Jr.~~
by Alonzo Austin, Jr.
ALONZO Austin
1321 Oliver-Carlis Rd.
Tuskegee, AL 36083
ph#(334) 727-5476